

# Exhibit 3

**Bai, Benjamin**

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发件人: Bai, Benjamin  
发送时间: 2024年9月26日星期四 9:09  
收件人: 'James Judge'; Ying Chen; Zareefa Flener; Litigation  
抄送: Wang, Yamei; Keller, Paul; Litigation  
主题: LOUIS POULSEN A/S Litigation, NDIL-24-cv-04260: Thelightzey (Doe #425)

Dear Jim,

Thanks for your email. Your client's offer is grossly inadequate and therefore rejected. The TRO against our client (and many others) was improperly obtained in the first place. Our client should not have to incur legal fees to persuade your client to withdraw the improperly obtained TRO. After repeated requests over a period of about a month, you finally withdrew. But that was \$60K later (which is approximately the legal fees incurred by our client). You could have avoided this at any time after July 25 when I first informed you the following:

- 1) the evidence does not support personal jurisdiction over Defendant,
- 2) there does not appear to have factual basis for the TRO; and
- 3) Plaintiff should take a corrective action.

At the time, the legal fees incurred was about \$7K. Thereafter, I repeatedly emphasized the same points again and again, and you did not do the right thing until a month later, thereby running up a bigger bill.

This case is an exception case under the Lanham Act because when a plaintiff brings a trademark infringement lawsuit that "completely lack[s] any evidence" of an element necessary to prove infringement, the case is exceptional and the defendant should be awarded attorney fees. *Bretford Mfg., Inc. v. Smith System Mfg. Co.*, 389 F. Supp. 2d 983, 986 (N.D. Ill. 2005).

It is an undisputed fact that 1) Defendant's only product shipped to Chicago does not infringe Plaintiff's IP rights; and 2) Plaintiff had no evidence of infringing sales to the U.S., let alone Illinois. Plaintiff never plausibly alleged that Lightzey sold an infringing product to Illinois. Because Plaintiff's final dismissal is an admission that demonstrates that it filed knowingly false allegations in its Complaint, misrepresented its evidence in its TRO, and still refused to withdraw its Complaint after repeated requests by Defendant.

We will go to court and present our story. Needless to say, should we prevail, you would be on the hook for more attorney fees. Our client has behaved eminently fair by giving your client multiple opportunities to do the right thing. We did not want to run to the court prematurely to clog up judicial resources. Now we have no choice but to seek judicial relief.

PS: I have updated the subject line to reflect the correct Docket number and the name of Defendant Doe # 425.

**Benjamin Bai**

国际合伙人 | International Partner

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发件人: James Judge <jjudge@fleneriplaw.com>

发送时间: 2024年9月21日 6:15

收件人: Bai, Benjamin <benjamin.bai@cn.kwm.com>; Ying Chen <ying@fleneriplaw.com>; Zareefa Flener <zflener@fleneriplaw.com>; Litigation <Litigation@fleneriplaw.com>

抄送: Wang, Yamei <wangyamei@cn.kwm.com>; Keller, Paul <PKeller@crowell.com>; Litigation <Litigation@fleneriplaw.com>

主题: Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Dear Benjamin,

We have discussed your demand with our client and we respond as follows. We did not make any knowing misrepresentations to the Court. Unlike *Opulent* and *Xped*, the Complaint, motion for TRO, and supporting declarations and evidence submitted to the Court in this case were not false, and did not needlessly prolong proceedings.

Our conduct in this lawsuit has complied with applicable laws and rules. Our conduct also follows the established procedure in civil cases and is by no means “exceptional” as that term is used in the Lanham Act. Therefore, we decline to discuss your attorneys’ fees. On that basis, and without admitting error, we offer \$3500.00 to settle this matter, to compensate your client for any lost sales and interest. Please advise as to whether we can quickly resolve this matter.

**James E. Judge**  
Attorney



**Flener IP & Business Law**

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---

**From:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>  
**Date:** Tuesday, September 17, 2024 at 03:49  
**To:** James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>, Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>, Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>, Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>  
**Cc:** Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>, Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>  
**Subject:** 答复: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

OK, in light of that, we are putting down the pencil until this Friday, the 20<sup>th</sup>. To be clear, we expect your client to accept our offer in its entirety. Our client is not interested in haggling at this stage. Thanks.

**Benjamin Bai**

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**发件人:** James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>

**发送时间:** 2024年9月17日 5:56

**收件人:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>; Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>; Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>

**抄送:** Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>; Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>

**主题:** Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Thank you for your message. We have been working steadily on this matter. Our client is in Copenhagen and it took time to have a discussion with them. We will share your demand with our client and revert when we have a response.

**James E. Judge**

Attorney



NAMWOLF  
LAW FIRM MEMBER



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---

**From:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>

**Date:** Sunday, September 15, 2024 at 08:40

**To:** James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>, Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>, Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>, Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>

**Cc:** Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>, Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>

**Subject:** LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Jim, thanks for your reply. Here is our non-negotiable offer to settle this case: our client gets compensated US\$60K for it to release all claims against your client. We can signed a standard settlement and release agreement, except that the client will not agree to any confidentiality obligation relating to the settlement. This is because if we went to court and prevailed, the court's decision would be a matter of public record. We are making this last-ditch effort to avert unnecessary litigation; but we are fully prepare to present our story to the court and win.

**Your client has until the end of September 17 (Chicago Time) to accept or reject the offer in its entirety.** We are not interested in counteroffers. To be clear, my September 5 email was an invitation to discuss settlement. My September 9 email was an invitation for you to make an offer. And Paul's email on September 10 reiterated that. But you snoozed. So this is your final chance to do the right thing. Thank you.

Benjamin

---

发件人: James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>

发送时间: 2024年9月14日 4:56

收件人: Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>; Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>; Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>; Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>  
抄送: Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>  
主题: Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

FED. R. EVID. 408 COMMUNICATION

Hi Paul and all,

We met with our client yesterday afternoon. Without conceding any points, we have been instructed to request a reasonable demand from you. They will consider your proposa and get back to you asap.

Regards,

Jim Judge

**James E. Judge**  
Attorney



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---

**From:** Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>  
**Date:** Tuesday, September 10, 2024 at 19:37  
**To:** James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>, Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>, Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>, Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>, Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>  
**Cc:** Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>  
**Subject:** Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Dear Counsel,

Thank you for your message and while it is unfortunate that it will take what amounts to another week to speak to your client, we will wait before taking any steps of our own until we hear from you "before Friday."

Please note, however, that we see this issue as being rather clear cut and straightforward. We hope your next message to us reflects some recognition of that position.

Yours,

Paul

---

**From:** James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>

**Sent:** Tuesday, September 10, 2024 6:20:07 PM

**To:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>; Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>; Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>

**Cc:** Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>; Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>

**Subject:** Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Thanks for your message. We are consulting with our client and will revert before Friday.

Regards,

**James E. Judge**  
Attorney



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**From:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>  
**Date:** Monday, September 9, 2024 at 03:34  
**To:** Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>, Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>, Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>, James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>  
**Cc:** Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>, Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>  
**Subject:** LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Dear Counsel,

Following up on my email below (date September 5, 2024), we hope to hear from you with a reasonable offer to make our client whole on or before **September 13, 2024**. Failing that, we will seek judicial relief with the court.

**Benjamin Bai**

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发件人: Bai, Benjamin

发送时间: 2024年9月5日 17:58

收件人: 'Ying Chen' <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>; Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>; James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>

抄送: Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>; Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>

主题: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Dear Counsel,

Thanks for taking the first step to remedy your mistakes. However, this TRO should never have been brought against our client (i.e., your Defendant Doe #425). You knew you had no evidence of infringing products being shipped to the forum state when you sought the TRO. I repeatedly pointed out this defects and urged you to do the right thing. All the legal fees incurred by my client could have been avoided. Now we have about \$55-60K on the clock. The client has also suffered economic losses due to the freezing of the funds in their PayPal account. They are in the process of assessing the number.

I attach a NDIL case and a NDIL court order for your reference. Let's discuss a settlement and avoid unnecessary litigation. We can hold a settlement conference or do so via email. Please let us know what you prefer.



BTW, my rate for this case is \$1100/hour; and Mr. Keller's is \$1200/hour. The sooner the clock stops, the better for everyone.

**Benjamin Bai**

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发件人: Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>

发送时间: 2024年9月3日 0:01

收件人: Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>

抄送: Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>; Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>; Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>; James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>

主题: Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Hello Mr. Bai,

Thank you for providing the sales information. This defendant has been dismissed from the case. Attached you may find the Notice of Dismissal. Plaintiff has also notified PayPal to release Defendant's accounts. Let me know if you have any questions.

Kind regards,

Ying Chen (she/her)

Attorney

Flener IP & Business Law



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---

**From:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>  
**Date:** Saturday, August 31, 2024 at 8:45 PM  
**To:** Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>, Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>, Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>  
**Cc:** Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>, Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>  
**Subject:** LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Correcting a typo: you were on notice on or about July 24-25, 2024 regarding the lack of factual support for the TRO against our client.

July-24-25, 2025 was an obvious typo. Apologies.

---

发件人: Bai, Benjamin  
发送时间: 2024年9月1日 9:34  
收件人: 'Ying Chen' <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>; Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>  
抄送: Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>; Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>  
主题: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Dear Counsel,

I attached a screenshot of the client's account showing no sale to the U.S. The search criteria are 1) U.S. as the country and 2) wv802 as the product identifier for the Umbrella Pendant Light. As you can see, there is no data, meaning that there is no sale whatsoever. This is consistent with what I have been telling you.

For good records, I also attached a series of emails from me to you to remind you that you were on notice on or about July 24-25, 2024 regarding the lack of factual support for the TRO against our client. There, I urged you to take corrective action. After repeated reminders and requests, you still have not done the right thing as an officer of the court. You don't need me to remind your duty of honesty to the court and not to mislead the court. You also have a duty to correct untrue facts previously presented to the court. Therefore, we repeat our final request that you immediately dissolve the TRO by September 3, 2024. Failing that, we will file a motion to lift it. And we will seek attorney fees.

To be clear, the client is not interesting in signing any undertaking. Your dismissal of the TRO is to correct your wrong and must NOT be conditional.

**Benjamin Bai**

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发件人: Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>

发送时间: 2024年8月31日 3:13

收件人: Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>; Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>

抄送: Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>; Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>

主题: Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Hello,

Maybe I wasn't clear enough, Plaintiff agrees to dismiss this defendant if they can forward the sales information of the Umbrella Pendant Light. I've attached the drafts of the memorandum of understanding and notice of dismissal for your reference. Once the memo has been signed, we will file the NOD and notify the platform.

Kind regards,

Ying Chen (she/her)

Attorney

Flener IP & Business Law



77 West Washington Street, Suite 800

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---

**From:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>

**Date:** Thursday, August 29, 2024 at 8:10 PM

**To:** Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>, Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>, Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>  
**Cc:** Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>, Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>  
**Subject:** 答复: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

You don't often get email from [benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com). [Learn why this is important](#)  
Dear Ms. Chen,

Thanks for your prompt response. As I said in my last email, there are two separate issues. I will write separately on the info relating to US sales, which I informed your firm early on in this case - there is NOT a single sale to the U.S., let alone to Illinois.

Urgently and importantly, the more serious issue is that your firm obtained a TRO against our client and froze their PayPal account without a scintilla of evidence on infringement and jurisdiction.

Your first piece of evidence shows that a Miles Parker was able to place an order. However, you know that order was NOT completed. No product was ever shipped.  
Your second piece of evidence (which now you claim was “mistakenly” included) shows a non-infringement product was ordered which was indeed shipped to Illinois.

You must understand that internet jurisdiction over a foreign defendant cannot be based on the mere presence of a website. The mere possibility of ordering an infringing product from a site does not suffice. There must be at least one infringing product shipped from the site to Illinois for the NDIL to have jurisdiction. The attached case suggests that there must be a substantial quantity of infringing products being shipped to the forum state. But that is an issue for another day.

You must know that you have no evidence for even one infringing product being shipped to Illinois. However, you went to court and obtained a TRO against our client. Again, being an officer of the court, you are under a duty to immediately dissolve the TRO. If you fail to do it, we will file a motion to dissolve the TRO after September 3, 2024. And we will seek attorney fees.

**Benjamin**

---

发件人: Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>  
发送时间: 2024年8月29日 23:04  
收件人: Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>; Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>  
抄送: Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>; Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>  
主题: Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Hello Mr. Bai,

It seems the team mistakenly included an irrelevant screenshot in the evidence folder. Apologies for the confusion—the screenshot of the candle holder order was intended for internal use only, to confirm that products from this website can be shipped to Illinois. The actual accused product is the Umbrella Pendant Light.

I've discussed the matter with the client, and we're willing to agree to the defendant's request to share evidence under the protection of Rule 408. They hope to first confirm whether there are any US sales. Otherwise, the best I can persuade the client to agree to is to settle for \$2,000. We look forward to hearing from you.

Kind regards,  
Ying Chen (she/her)  
Attorney  
Flener IP & Business Law



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---

**From:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>  
**Date:** Thursday, August 29, 2024 at 1:05 AM  
**To:** Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>, Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>, Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>  
**Cc:** Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>, Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>  
**Subject:** LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

You don't often get email from [benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com). [Learn why this is important](#)  
Hello Ms. Chen,

Thanks for your response. There are two separate issues here.

**First, your firm obtained a TRO and froze their PayPal account on facts that don't support the TRO. That requires immediate corrective on your firm's part.**

I attached the so-called infringing evidence shared by Zareefa previously. The accused "infringing" product can be seen here: <https://thelightzey.com/products/black-bohemian-style-geometric-metal-candle-holder-hollow-candlestick-morocco-romantic-tealight-holder-party-wedding-decoration>. It is a candle holder, not a lighting product. Based on the complaint, it does not appear this candle holder concerns any of the IP rights of your clients. Specifically, it does not bear any of the trademarks, and the design is completely different. Therefore, there is no infringement whatsoever.

<https://thelightzey.com/> focuses on the UK market, not the U.S. We have previously informed your colleagues that the site has not made a sale of the Umbrella Pendant Light to the US. Your attached evidence shows that a Miles Parker was able to place an order. However, that order was NOT completed. No product was ever shipped to the US, let alone Chicago. If you have contrary evidence, please share it with us.

In sum, you have no factual basis to obtain the TRO. As an officer of the court, you have a duty to inform the court of your mistakes and take corrective actions. If you fail to do it, we will after September 3, 2024.

**Second, our client is willing to share screenshots of their sale information to the U.S. relating to the Umbrella Pendant Light under the protection of Rule 408.**

Please let us know if you agree to this condition for sharing the screenshots.

BTW, please be informed that the Umbrella Pendant Light is no longer available on our client's website.

Benjamin

---

发件人: Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>

发送时间: 2024年8月29日 0:06

收件人: Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>

抄送: Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>; Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>; Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>

主题: Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Hello Bai,

If you can provide screenshots of the sales information for the Umbrella Pendant Light, I'll reach out to the client to explore the best course of action.

Kind regards,  
Ying Chen (she/her)  
Attorney  
Flener IP & Business Law



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---

**From:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>

**Date:** Tuesday, August 27, 2024 at 1:16 AM

**To:** Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>, Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>

**Cc:** Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>, Keller, Paul <[PKeller@crowell.com](mailto:PKeller@crowell.com)>

**Subject:** LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Dear Counsel,

It has been three weeks since my last email below. Based on the facts I provided in previous emails, it should have been crystal clear that you obtained a TRO against the owner of the thelightzey site (i.e., Waves HK Holdings Limited) on erroneous facts. **Specifically, you did not have any infringing evidence to support the TRO.** Being an officer of the court, you have a duty to inform the court of your mistakes. We think you should take prompt action to correct the them. If you fail to do so before **September 3, 2024**, we will have no choice but to move to lift your TRO and ask the court to award attorney fees in connection with our efforts to correct your mistakes. Of course, unfreezing our client's PayPal account is the first step in the right direction. Your cooperation is appreciated.

Copying my co-counsel, Paul Keller, here.

**Benjamin Bai**

国际合伙人 | International Partner

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---

**发件人:** Bai, Benjamin

**发送时间:** 2024年8月5日 19:55

**收件人:** 'Litigation' <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>

**抄送:** Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>

**主题:** LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Zareefa, thanks for sending the evidence. I double-checked with the client today. Here is what the client told me:



The thelightzey site made no sale of the umbrella pendant light shown in your evidence to the U.S. The client has already blocked the US from the available countries on the site. There will be no sale to the U.S.

The client confirms that the candle holder was shipped to Illinois.

Please note that the candle holder does not concern the asserted IP of your clients.

I don't believe the NDIL court has jurisdiction based on the facts of this case. The relevant case on point is *Advanced Tactical Ordnance Sys. v. Real Action Paintball, Inc.*, 751 F.3d 796, 801 (7th Cir. 2014), which is cited with approval in the 2020 decision by the 7<sup>th</sup> Circuit. See the attached.

I quote the relevant part of the opinion below for your convenience.

"We held that Advanced Tactical failed to establish personal jurisdiction. Real Action's email to its customer list, which included customers in Indiana, could not support jurisdiction because, we explained, any connection between the lawsuit and where the email was opened would be "entirely fortuitous." Id. at 803. Although Real Action made at least one sale to an Indiana resident, Advanced Tactical did not provide evidence that the sale had any connection to the underlying claims of trademark infringement. No evidence, for example, suggested that Indiana residents saw Real Action's email or website before purchasing products from Real Action. **"The only sales that would be relevant," we explained, "are those that were related to Real Action's alleged unlawful activity," and Advanced Tactical did "not provide[] evidence of any such sales."** Id. at 801. **We emphasized in Advanced Tactical that the defendant's contacts with the forum state must be related to the plaintiff's claims to support specific personal jurisdiction.** Advanced Tactical, 751 F.3d at 801." (emphasis added)

My client is willing to resolve this case amicably by signing an undertaking not to sell to the US in exchange for you to unfreeze the PayPal account. Thanks.

Benjamin

---

发件人: Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>

发送时间: 2024年8月5日 10:39

收件人: Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>

抄送: Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>; Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>

主题: Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Now with the evidence.

Best regards,  
Zareefa B. Flener  
Founder & Manager



Patent 1000  
Zareefa Burki Flener  
Recommended Individual 2023



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---

**From:** Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>

**Date:** Sunday, August 4, 2024 at 9:38 PM

**To:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>

**Cc:** Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>, Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>

**Subject:** Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Hi Benjamin,

Thank you for reaching out. I have attached the evidence of infringement. We cannot consider an amicable resolution until we get the sales figures by screenshot. Please forward to us for consideration. Thank you in advance.

Best regards,

Zareefa B. Flener

Founder & Manager



Patent 1000  
Zareefa Burki Flener  
Recommended individual 2021



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---

**From:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>

**Date:** Sunday, August 4, 2024 at 8:19 PM

**To:** James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>, William Eskridge <[William@fleneriplaw.com](mailto:William@fleneriplaw.com)>, Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>

**Cc:** Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>, Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>, Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>

**Subject:** 答复: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

You don't often get email from [benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com). [Learn why this is important](#)

James, thanks for your email.

Zareefa, I look forward to hearing from you. Given the time difference, let's do this via email as much as we can. If we need to speak, I am happy to jump on a call. Thanks.

Benjamin

---

发件人: James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>

发送时间: 2024年8月3日 0:06

收件人: Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>; William Eskridge <[William@fleneriplaw.com](mailto:William@fleneriplaw.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>

抄送: Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>; Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>; Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>

主题: Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Thanks, Benjamin,

Zareefa Flener (copied on this chain) is negotiating in this matter on behalf of Louis Poulsen. She will be available on Monday, and I'll make sure she has seen your message.

Regards

Jim

**James E. Judge**  
Attorney



**Flener IP & Business Law**

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---

**From:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>  
**Date:** Friday, August 2, 2024 at 06:13  
**To:** James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>, William Eskridge <[William@fleneriplaw.com](mailto:William@fleneriplaw.com)>, Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>  
**Cc:** Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>, Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>, Wang, Yamei <[wangyamei@cn.kwm.com](mailto:wangyamei@cn.kwm.com)>  
**Subject:** 答复: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Hi James,

Thanks for the additional information. Please note that the thelightzey site is geared towards the UK market. The client has told me that no sale to the U.S. has ever been consummated, and there will be no sale to the U.S.

Turning to U.S. court's jurisdiction over foreign defendants in the context of internet, Ford Motor Co. v. Mont. Eighth Jud. Distr. Ct., 141 S. Ct. 1017, 1026 (2021) is applicable here. The Court held that but-for causation was not the appropriate test and, instead, reiterated that jurisdiction attaches when a defendant's conduct arises from or relates to the forum state. The decision also reiterated the need for a "connection between a plaintiff's suit and a defendant's activities." As a result, a defendant's internet conduct could result in a lawsuit in an out-of-state court so long as this conduct relates to the forum. Where there is no sale to a forum state, courts have consistently declined jurisdiction.

We appreciate your willingness to settle, and my client also expressed such a willingness. The client has assured me that the thelightzey site will not sell to the U.S. To that end, we are willing to sign an undertaking. After that, unfreezing our client's PayPal account will be in order. Does that sound acceptable to you and your client?

Benjamin

---

发件人: James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>  
发送时间: 2024年7月30日 1:17  
收件人: Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>; William Eskridge <[William@fleneriplaw.com](mailto:William@fleneriplaw.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>  
抄送: Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>; Ying Chen <[ying@fleneriplaw.com](mailto:ying@fleneriplaw.com)>  
主题: Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Hello Benjamin.

Waves HK Holdings does not appear on our defendant list for that case. It does, however, in the second matter, 24-cv-4260. The accused product is a copy of Louis Poulsen's well known and distinctive PH series of electric light fixtures. Not a candle holder. See the attached.

The PH series of fixtures was designed for Louis Poulsen by Poul Henningsen. Louis Poulsen has exclusive rights in the design and trade dress and has not licensed or permitted anyone else to manufacture, distribute, import, sell, or offer for sale any lamps with the PH design. If you can tell us how many units of the PH design lamp have been sold by your client and how many are in inventory, we can provide a settlement proposal.

Your jurisdictional argument is without merit. Any offer for sale available to a US purchaser is sufficient to confer jurisdiction over an internet defendant in Illinois. We are certainly willing to discuss settlement with you, but any settlement will require your client to cease making the product available in the United States.

Please feel free to follow up with me on the requested information, and I will be happy to discuss settlement with you.

**James E. Judge**  
Attorney



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---

**From:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>  
**Date:** Wednesday, July 24, 2024 at 19:17  
**To:** William Eskridge <[William@fleneriplaw.com](mailto:William@fleneriplaw.com)>, Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>  
**Cc:** James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>, Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>  
**Subject:** LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

You don't often get email from [benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com). [Learn why this is important](#)

William, thanks for providing the information. In keeping my words, I will accept service as a goodwill gesture; however, my accepting service does not mean that my clients concede jurisdiction of the U.S. courts, including NDIL. In fact, my clients explicitly reserve the right to contest the NDIL court's jurisdiction. I am accepting service so that we can have a discussion to resolve this case amicably.

Zareefa, let's discuss a resolution of this case. Due to the time difference, let me outline the relevant facts here.

The accused “infringing” product can be seen here: <https://thelightzey.com/products/black-bohemian-style-geometric-metal-candle-holder-hollow-candlestick-morocco-romantic-tealight-holder-party-wedding-decoration>. A copy is also attached to this email. **It is a candle holder, not a lighting product.**

Based on the complaint, it does not appear this candle holder concerns any of the IP rights of your clients. Specifically, it does not bear any of the trademarks, and the design is completely different. Therefore, there is no infringement whatsoever.

<https://thelightzey.com/> focuses on the UK market, not the U.S. Therefore, U.S. courts have no jurisdiction.

For these reasons, it appears to me there is no factual basis for the TRO. A corrective action is in order here. I am happy to jump on a call and discuss, if needed. Thanks.

**Benjamin Bai**

国际合伙人 | International Partner

金杜律师事务所 | King & Wood Mallesons

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E [benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)

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---

发件人: William Eskridge <[William@fleneriplaw.com](mailto:William@fleneriplaw.com)>

发送时间: 2024年7月24日 23:29

收件人: Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>

抄送: James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>; Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>

主题: Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Dear Counsel,

Attached you may find the following.

- 1: Evidence of Infringement.
- 2: Summons In A Civil Case.

The Summons and other court related documents can be accessed by the following link:

[https://www.dropbox.com/scl/fo/cfb4gw8okitxj9t47lg7c/AM\\_Z9V8HDQN1fgk-rO5488?rlkey=b2isj6pagfbjx1lc4xvr06hsh&st=yge9kmkp&dl=0](https://www.dropbox.com/scl/fo/cfb4gw8okitxj9t47lg7c/AM_Z9V8HDQN1fgk-rO5488?rlkey=b2isj6pagfbjx1lc4xvr06hsh&st=yge9kmkp&dl=0)

Settlement Negotiations are being handled by Zareefa Flener (copied here.)

Kind regards,

William Eskridge

Paralegal  
FLIP Litigation Team  
Flener IP & Business Law



77 West Washington Street, Suite 800  
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---

**From:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>  
**Date:** Wednesday, July 24, 2024 at 4:52 AM  
**To:** William Eskridge <[William@fleneriplaw.com](mailto:William@fleneriplaw.com)>  
**Cc:** James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>, Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>, Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>  
**Subject:** LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Hi William,

Thanks for providing the complaint and TRO. I am prepared to accept service on behalf of the clients if you provide evidence of infringement. The attached documents do not appear to include any evidence of infringement. I look forward to hearing from you.

Benjamin

---

发件人: William Eskridge <[William@fleneriplaw.com](mailto:William@fleneriplaw.com)>  
发送时间: 2024年7月24日 4:38  
收件人: Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>  
抄送: James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>; Litigation <[Litigation@fleneriplaw.com](mailto:Litigation@fleneriplaw.com)>  
主题: Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED (Doe #425)

Dear Counsel,

With the information provide we were able to identify the merchant listed below in case 24-cv-04260.

Doe #: 425  
Name: thelightzey  
Merchant ID: thelightzey  
Backend ID:  
Email: [contact@waveschange.us](mailto:contact@waveschange.us) [contact@grandvoyage.xyz](mailto:contact@grandvoyage.xyz)

Would you be willing to Accept or Waive service on behalf of your client? A copy of the TRO and Complaint in 24-cv-04260 has been attached.

Kind regards,

William Eskridge  
Paralegal  
FLIP Litigation Team  
Flener IP & Business Law



77 West Washington Street, Suite 800  
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---

**From:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>  
**Date:** Tuesday, July 23, 2024 at 2:01 AM  
**To:** William Eskridge <[William@fleneriplaw.com](mailto:William@fleneriplaw.com)>  
**Cc:** James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>, Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>  
**Subject:** 答复: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED

William,

Here is the requested information:



Platform: lassola.com  
Merchant ID: JSKK2D7UW6YHN  
Associated email: [contact@waveschange.us](mailto:contact@waveschange.us)

I hope this is enough information for you to identify the TRO. Our client's PayPal account is frozen. There must be a TRO. I'd appreciate a copy. Thanks.

**Benjamin Bai**

国际合伙人|International Partner

金杜律师事务所|King & Wood Mallesons

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E [benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)

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发件人: William Eskridge <[William@fleneriplaw.com](mailto:William@fleneriplaw.com)>

发送时间: 2024年7月23日 4:05

收件人: Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>

抄送: James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>; Zareefa Flener <[zflener@fleneriplaw.com](mailto:zflener@fleneriplaw.com)>

主题: Re: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED

Dear Counsel,

We are not able to locate the store with the information provided. Kindly provide the platform, email address and associated Merchant ID.

Kind regards,  
William Eskridge  
Paralegal  
FLIP Litigation Team

---

**From:** Bai, Benjamin <[benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)>

**Date:** Monday, July 22, 2024 at 01:33

**To:** James Judge <[jjudge@fleneriplaw.com](mailto:jjudge@fleneriplaw.com)>

**Subject:** LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807: Waves HK HOLDINGS LIMITED

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Re.: LOUIS POULSEN A/S Litigation, NDIL-1-23-cv-02807

Dear Mr. Judge,

I am a Texas-licensed IP litigator practicing in China. On behalf of my clients, I write as counsel for the following companies with respect to the lawsuit identified in the above:



**Waves HK Holdings Limited**

Shanghai LiuYang Information Technology Co., Ltd. (上海扬柳信息技术有限公司)

Our client's Paypal account is frozen, presumably due to the TRO you obtained from the court. Could you please email me a copy of the TRO referencing my clients? I cannot find anything about my clients in the attached documents.

I was the Chief IP Counsel and Chief Litigation Counsel for Alipay 2016-2022 and dealt with numerous issues like this. I believe we can find a way to resolve the dispute and look forward to hearing from you. Thanks.

**Benjamin Bai**

国际合伙人 | International Partner

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E [benjamin.bai@cn.kwm.com](mailto:benjamin.bai@cn.kwm.com)

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